

REMARKS / ARGUMENTS

The actions by the Examiner in this application, together with the references cited by him have been given careful consideration. Following such consideration, claims 1, 3 and 5-10 have been amended to define more clearly the patentable invention the Applicant believes is disclosed herein. It is respectfully requested that the Examiner reconsider the claims in their present form, together with the following comments, and allow the application.

Claim 1 stands rejected under 35 U.S.C. §112, second paragraph. In response to this objection, claim 1 has been amended to indicate that the running truck body is formed from “a one-piece rectangular pipe.” Further, claim 1 has been amended to indicate that each of the raising and lowering poles is formed from a “one-piece rectangular pipe.” It is believed that these amendments to claim 1 overcome the §112 rejection.

The claims stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,450,929 to Ohgita et al. in view of U.S. Patent No. 5,056,625 to Miskin et al. It is respectfully submitted that the ‘929 patent to Ohgita et al. and the ‘625 patent to Miskin et al. do not teach, suggest or show the structure as presently claimed.

Referring now to claim 1, the running truck body, i.e., the lower frame 11, of the Ohgita et al. reference is not a “rectangular pipe.” Likewise, the running truck body, base 2, of the Miskin et al. reference is not a pipe. In this respect, the base 2 of the Miskin et al. reference, is comprised of two, spaced-apart parallel frame members 42 and 44, lower plates 50 and 52, and a top wall plate 54. (See column 3, lines 6-11 of the Miskin et al. reference). Thus, neither reference, alone or together, teaches, suggests or shows a running truck body that is comprised of a “one-piece rectangular pipe.” Further, neither reference teaches, suggests or shows raising and lowering poles, each of the poles being formed of a one-piece rectangular pipe, wherein a flat side of each of the raising and lowering poles is connected to a vertically-oriented flat side of the one-piece rectangular pipe forming the running truck body. In this respect, the raising and lowering poles are to one side of the running truck body. Neither the Ohgita et al. reference nor the Miskin et al. reference teaches, suggests or

shows such a structure. The Ohgita et al. reference discloses the raising and lowering poles resting on the upper surface of the running truck body. The Miskin et al. reference teaches a raising and lowering pole that “straddles” the running truck body. In summary, neither the Ohgita et al. reference nor the Miskin et al. reference teaches, suggests or shows a running truck body and raising and lowering poles that are formed from a one-piece rectangular pipe, and further does not teach, suggest or show a structure wherein one of the flat sides of the one-piece rectangular pipe forming the raising and lowering poles is attached to a vertically-oriented flat side of the one-piece rectangular pipe that forms the running truck body. Likewise, as noted above, the Miskin et al. reference does not teach a raising and lowering pole connected to a vertical side surface of the running truck body.

With respect to claim 2, the Ohgita et al. reference discloses that an upper frame 13 is guided along a track 5 on the ceiling. The Ohgita et al. reference further discloses raising and lowering poles each having a lower end connected to a longitudinal side of a running truck body, and an upper end connected to a longitudinal side of an upper frame. The Ohgita et al. reference does not disclose the feature of claim 2 that reads as “each of said raising and lowering poles has a lower end connected to a vertical side surface of said running truck body and an upper end connected perpendicularly to a vertical side surface of said upper truck body.”

With respect to claim 3, for clarification, the language “...located on the same side of said raising and lowering poles” has been amended to read: “located on the same vertical side surface of each of said raising and lowering poles.”

As noted above, Ohgita et al. discloses that “an upper frame and a running truck body are on the same side of the raising and lowering poles,” but does not disclose the feature of claim 3 that reads: “each located on the same vertical side surface of each of the raising and lowering poles.”

With respect to claim 5, to more clearly define that the wheels are guided along the track on the floor, the phrase “said running truck body is supported by wheels...” has been amended to read: “said running truck body is supported by wheels guided along said track, ...”

The Ohgita et al. reference discloses that “an upper frame is connected to the raising and lowering poles and the upper frame is supported by wheels 20 and 21,” but does not disclose the feature of claim 5 that reads: “said running truck body is supported by wheels guided along said track, said wheels being provided in alignment with the respective lower ends of the raising and lowering poles.”

With respect to claim 6, the phrase “another end connected to said platform in the vicinity of said platform” has been amended to read: “another end connected to the center of said platform.”

The Examiner takes the position that the Ohgita et al reference describes a “pair of raising and lowering ropes 34 connected to a platform upper part 16 and a platform center 19, and a driving wheel 33 for feeding and winding ropes 34.” It is respectfully submitted that reference number 19 denotes a safety fence. Accordingly, in the Ohgita et al. reference, one end of the pair of ropes 34 is connected to a counter weight 36 and the other end is connected to a safety fence located to the side of the platform. Thus, the Ohgita et al. reference does not teach or disclose a pair of raising and lowering ropes wherein each rope has “one end connected to the upper part of said platform for suspending and supporting said platform and another end connected to the center of said platform,” as currently set forth in claim 6.

Claim 7 has been amended to clarify the difference from the counter weight of Ohgita et al. In this respect, the phrase “to set a tension” has been amended to “adjust a tension.” The Examiner states that the Ohgita et al. reference discloses “a tension setting device 36 to tension ropes 34.” Ohgita’s reference number 36 denotes a counter weight, which surely imparts tension but cannot adjust tension, as presently set forth in claim 7. Thus, the Ohgita et al. reference does not disclose “a tension setting device is located in the platform,” as presently set forth in claim 7.

With respect to claim 8, the Ohgita et al. reference discloses a run drive unit 25 for driving drive wheel 30. Drive unit 25, best seen in FIGS. 1 and 10, is on the upper surface of the running truck body. As noted above, the raising and lowering poles of the Ohgita et al. reference are connected to the upper part of the running truck body. Therefore, Ohgita et al. does not disclose the feature of claim 8 that reads: “said drive device being disposed on a *vertically oriented flat* side of

said running truck body that is *opposite a vertically oriented flat* side surface on which said raising and lowering poles are connected.” (*italics added*).

With respect to claim 9, the Examiner takes the position that the Ohgita et al. reference discloses a raising and lowering drive device 30 to raise and lower a platform 16 located at a running truck body latitudinal side. As shown in FIG. 1, however, the raising and lowering drive device 30 is located on the upper part of the running truck body. Thus, Ohgita et al. does not disclose the feature of claim 9 that states a raising and lowering drive device is located on a *vertically oriented flat* side surface at a latitudinal end of the running truck body.

With respect to claim 10, to distinguish the Ohgita et al. reference, the phrase “said control panel being located such that said raising and lowering poles are to one side thereof” has been amended to read “said control panel being located such that said raising and lowering poles support the control panel at an outside position thereof.” The Ohgita et al. reference discloses a control panel 39 with a swinging door facing in the longitudinal direction (which should be sideways) and located outside one of the raising and lowering poles, but does not disclose the feature of claim 10 that reads: “the control panel is located such that the raising and lowering poles support the control panel at an outside position thereof.”

Claim 11 stands rejected over the Ohgita et al. reference in view of Miskin et al. and the ‘911 patent to Benjamin. The Examiner takes the position that Ohgita et al.’s apparatus has a contact surface 39. It is respectfully submitted that reference numeral 39 denotes a control unit, and not a “contact surface.” Further, the Benjamin ‘911 reference discloses that a shock absorber (or bumper) 35 is provided at opposite ends of the running truck body, but does not disclose a contact surface that is disposed along one of the vertically oriented flat side surfaces of the running truck body and set back from one of the longitudinal ends of the running truck body, as set forth in claim 11.

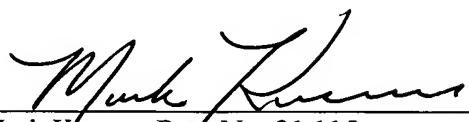
In summary, it is respectfully submitted that the claims in their present form are distinguishable from the ‘929 patent to Ohgita et al. and the ‘625 patent to Miskin et al.

Application No. 10/796,487
Amendment dated November 18, 2005
RESPONSE TO FINAL OFFICE ACTION dated August 26, 2005

It is respectfully submitted that the Examiner reconsiders the claims in view of the foregoing,
and allow the application.

Respectfully submitted,

Date: November 18, 2005

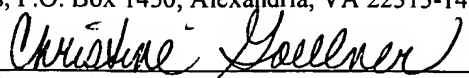

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Date: November 18, 2005


Christine Goellner